

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION**

**TAVIUS WOODS and TERRY CURRY,
on behalf of and as Power of Attorney
and Next Friend of Tavius Woods,
Plaintiffs,**

CAUSE NO.:

Removed From:

[30th Judicial District at Memphis]

[Docket No. CT-004959-18, Div. III]

v.

SHELBY COUNTY SCHOOLS,

Defendant.

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE, MEMPHIS DIVISION:**

Defendant Shelby County Schools [SCS] hereby notifies the parties and the Court that it is filing this Notice of Removal under Federal Rule of Civil Procedure 81(c) and pursuant to 28 U.S.C. §§ 1441 and 1446, on the ground that this Court has original jurisdiction over this action pursuant to 28 U.S.C. §1331. In support thereof, Defendant states the following:

INTRODUCTION

1. On October 29, 2018, Plaintiffs filed suit in the Circuit Court for the 30th Judicial District at Memphis, Tennessee. Plaintiff Tavius Woods, a former employee of SCS, and Plaintiff Terry Curry filed suit under the Americans with Disabilities Act and the Rehabilitation Act.

2. The case is styled *Tavius Woods and Terry Curry, on behalf of and as Power of Attorney and Next Friend of Tavius Woods vs. Shelby County Schools*.

3. According to the Return of Service, on November 6, 2018, the Summons and Complaint were delivered by process server to Dorsey Hopson, II, Superintendent of Defendant, at 160 South Hollywood Street, Memphis, Tennessee. **See Exhibit A, Return of Service.**

4. Defendant timely filed this Notice of Removal within thirty (30) days of service provided under 28 U.S.C. § 1446(b).

PARTIES

5. According to the Complaint, Plaintiff Tavius Woods is an adult resident of Shelby County, TN. **See Exhibit B, Complaint at ¶ 6.**

5. According to the Complaint, Ms. Terry Curry is an adult resident of Shelby County, TN, and is Plaintiff Woods' mother, caregiver and next friend, and has Plaintiff Wood's Power of Attorney for this action. **See Exhibit B, Complaint at ¶¶ 7 - 8.**

6. According to the Complaint, SCS is a public school district organized under the laws of Tennessee, with its principal place of business located at 160 S. Hollywood Street, Memphis, Tennessee 38112. **See Exhibit B, Complaint at ¶ 12.**

NATURE OF THE SUIT

7. Plaintiffs' Complaint alleges two causes of action. First, the Complaint alleges that SCS violated the Americans with Disabilities Act [ADA], 42 U.S.C. § 12132, by terminating Plaintiff Woods on the basis of a disability. **See Exhibit B, Complaint at ¶¶ 44-66.** Second, the Complaint alleges that SCS violated Plaintiff Woods' rights under the Rehabilitation Act [RA], 29 U.S.C. §§ 704(a) and (b), by terminating him on the basis of a disability. **See Exhibit B, Complaint at ¶¶ 67-86.** Plaintiffs demand that the Court issue judgment that the acts of Defendant violated the ADA and the RA, that compensatory and punitive damages should be awarded

Plaintiffs, and that Plaintiffs' costs and expenses of the lawsuit should be awarded them. *See Exhibit B, Complaint at Prayer for Relief, p. 9.*

BASIS FOR REMOVAL

8. Defendant seeks to remove this suit on the basis of federal-question jurisdiction under 28 U.S.C. § 1331.

9. A federal district court has original jurisdiction over any civil action arising under the laws of the United States. 28 U.S.C. § 1331.

10. Plaintiffs' Complaint alleges that Defendant has violated the Plaintiff Woods' rights under the Americans with Disabilities Act, 42 U.S.C. § 12131, and the Rehabilitation Act, 29 U.S.C. §§ 794(a) and (b). *See Exhibit B, Complaint at ¶¶ 39-40.*

11. Notice of Removal is being filed with the Circuit Court for the Thirtieth Judicial District at Memphis, Tennessee and provided to all parties, as required by 28 U.S.C. § 1446(d). *See Exhibit C.*

12. The United States District Court for the Western District of Tennessee at Memphis encompasses the location of the Circuit Court in which this action was originally filed. 28 U.S.C. § 1446(a) (the state case shall be removed to "the district court of the United States for the district or the division within which such action is pending").

13. Defendant requests that this Court assume jurisdiction of this case, pursuant to 28 U.S.C. § 1441, 28 U.S.C. § 1446, and 28 U.S.C. § 1331.

14. Defendant has attached to this Notice all pleadings, process, orders, and other filings in the state-court action, as required by 28 U.S.C. § 1446(a). *See Exhibits A, B and C.*

Respectfully submitted,

/s/ Gabriel P. McGaha

Gabriel P. McGaha (TN #027413)

Jeff Weintraub (TN #009686)

Martin F. Thompson (TN #006331)

Fisher & Phillips LLP

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jweintraub@fisherphillips.com

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Attorneys for Defendant

Shelby County Schools

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was duly served upon Alan Crone and Laura A. E. Bailey, Attorneys for Plaintiffs, 88 Union Avenue, 14th Floor, Memphis, TN 38103 via electronic service to acrone@cronelawfirmplc.com and jbailey@cronelawfirmplc.com on this 30 day of November, 2018.

/s/ Gabriel P. McGaha
Gabriel P. McGaha

FILED
NOV 19 2018

CIRCUIT COURT CLERK
BY _____ D.C.

(CIRCUIT/CHANCERY) COURT OF TENNESSEE
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

SUMMONS IN CIVIL ACTION

Docket No. GT-004959-18

☒ Lawsuit
☐ Divorce

Ad Damnum \$ _____

Tavius Woods and Terry Curry, on behalf of
and as Power of Attorney and Next Friend
of Tavius Woods

VS

Shelby County Schools

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Mr. Dorsey E. Hopson, II
Superintendent of Shelby County Schools
160 S. Hollywood Street
Memphis, Tennessee 38112

Method of Service:

- ☐ Certified Mail
☐ Shelby County Sheriff
☐ Commissioner of Insurance (\$)
☐ Secretary of State (\$)
☐ Other TN County Sheriff (\$)
☒ Private Process Server
☐ Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and
serving a copy of your answer to the Complaint on Laura Ann E. Bailey of the Crone Law Firm, PLC Plaintiff's
attorney, whose address is 88 Union Avenue, 14th Floor, Memphis, Tennessee 38103

telephone 901-737-7740

within THIRTY (30) DAYS after this summons has been served upon you, not including the day
of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

TEMIKA D. GIPSON, Clerk / DONNA RUSSELL, Clerk and Master

TESTED AND ISSUED

10/29/18

By K M R, D.C.

TO THE DEFENDANT:

NOTICE: Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, TEMIKA D. GIPSON / DONNA RUSSELL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

20__

TEMIKA D. GIPSON, Clerk / DONNA RUSSELL, Clerk and Master By: _____, D.C.

EXHIBIT A

RETURN OF SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE SERVED THE WITHIN SUMMONS:

By delivering on the 6 day of Nov, 20 18 at 11:25 A M. a copy of the summons

and a copy of the Complaint to the following Defendant Mr. Dorsey E. Hopson, II Superintendent of

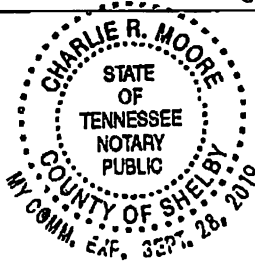
at 1605 Hollywood St Shelby County Schools 90 K. Harris

Kimble Harris
Signature of person accepting service

By: [Signature]
Sheriff or other authorized person to serve process

State of Tennessee
County of Shelby
Subscribed and sworn to before me
This 6 day of NOV 2018

Charlie Moore
Notary Public



PDQ Couriers
PO Box 341864
Memphis, TN 38184
901 - 624 - 6875

RETURN OF NON-SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE NOT SERVED THE WITHIN SUMMONS:

To the named Defendant _____

because _____ is (are) not to be found in this County after diligent search and inquiry for the following

reason(s): _____

This _____ day of _____, 20 _____.

By: _____
Sheriff or other authorized person to serve process

10

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS, TENNESSEE

TAVIUS WOODS, and
TERRY CURRY, on behalf of,
as Power of Attorney and
Next Friend for Tavius Woods,

Plaintiffs,

v.

SHELBY COUNTY SCHOOLS,

Defendant.

FILED
OCT 29 2018
CIRCUIT COURT CLERK
BY [Signature] D.C.

Case No.:

GT-004959-18
DIV III

JURY DEMANDED

COMPLAINT

COMES NOW the Plaintiff, Tavius Woods (hereinafter referred to as "Mr. Woods," or "Plaintiff"), by and through counsel, and for his Complaint against Defendant, Shelby County Schools ("SCS" or "Defendant"), states as follows:

NATURE OF THE COMPLAINT

1. Mr. Woods brings a cause of action under federal law, specifically the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101, *et seq.* and the Rehabilitation Act ("RA"), 29 U.S.C. § 701, *et seq.*
2. Mr. Woods brings this action against Defendant for discrimination and related penalties and damages.
3. Ms. Terry Curry is Mr. Woods' mother, caregiver, and next friend of Mr. Woods, and holds Mr. Woods' power of attorney for the prosecution and maintenance of this action.
4. Mr. Woods is a former employee of Defendant who alleges that Defendant discriminated against him and terminated him from his job on the basis of Mr. Woods's disability.

5. Defendant's practices are in direct violation of the ADA, 42 U.S.C. § 12132, and RA, 29 U.S.C. § 794(a). Mr. Woods seeks declaratory relief, liquidated and/or other damages as permitted by applicable law; attorneys' fees, costs, and expenses incurred in this action.

PARTIES

6. Mr. Woods is an adult resident of Memphis, Shelby County, Tennessee.
7. Ms. Terry Curry is an adult resident of Memphis, Shelby County, Tennessee.
8. Ms. Curry is Mr. Woods' mother, caregiver, and next friend of Mr. Woods, and holds Mr. Woods' power of attorney for the prosecution and maintenance of this action.
9. Mr. Woods was an employee of Defendant for ADA and RA purposes.
10. Mr. Woods is a "qualified individual with a disability" for ADA purposes, 42 U.S.C. § 12131(2).
11. Mr. Woods is an "individual with a disability" for RA purposes, 29 U.S.C. § 705(20).
12. Defendant, Shelby County Schools is a public school district organized under the laws of Tennessee, with its principal place of business located at 160 S. Hollywood Street, Memphis TN 38112, and may be served with process through its Superintendent, Mr. Dorsey E. Hopson, II, at 160 S. Hollywood Street, Memphis TN 38112.
13. SCS is bound by the ADA, as well as the RA.

JURISDICTION AND VENUE

14. Subject matter jurisdiction is proper in this Court pursuant to Tennessee Code Annotated § 16-10-101, conferring general jurisdiction on Circuit Court.
15. Venue is proper in this Court because the facts and circumstances which give rise to the causes of action contained within this Complaint occurred in Shelby County, Tennessee, and within this Judicial District.

16. Plaintiff has exhausted his administrative remedies by filing an EEOC Charge on or about June 14, 2017, within 300 days of his illegal termination.
17. Plaintiff received a Right to Sue Letter on or about July 31, 2018, and brings this action within the ninety (90) day period to pursue his claims.

FACTUAL BACKGROUND

18. Defendant employed Mr. Woods on a part-time basis in or about January 2016.
19. Mr. Woods suffers from a disability, Downs Syndrome.
20. Downs Syndrome occurs when an individual has a full or partial extra copy of chromosome 21. The additional genetic material alters the course of development and causes characteristics associated with Downs Syndrome. Common physical traits of Downs Syndrome are low muscle tone, small stature, and upward slant to the eyes, and a single deep crease across the center of the palm—although each person with Downs Syndrome is a unique individual and may possess these characteristics to different degrees, or not at all.
21. Mr. Woods' disability has physical manifestations that cannot be ignored.
22. Defendant hired Mr. Woods to work as a cafeteria worker.
23. In the course of hiring Mr. Woods, it was clear to Defendant that Mr. Woods suffers from a disability.
24. Mr. Woods provided documentation to Mr. Ayele Akibulan ("Mr. Akibulan") in Human Resources for SCS during Mr. Woods' employment training period which established Mr. Woods' disability.
25. Mr. Woods worked at Oakshire Elementary for nearly nine (9) months without incident.
26. Oakshire Elementary is a school within the SCS system.

27. On September 22, 2016, Ms. Chantay Branch ("Ms. Branch"), the Director of Labor and Employer Relations, sent two police officers to pick up Mr. Woods from Oakshire Elementary.
28. Mr. Woods asked the police officers to call his mother, Ms. Terry Curry.
29. The police officers took Mr. Woods' phone from him, placed Mr. Woods in the police car, and took Mr. Woods to meet Ms. Branch in her office at the Shelby County Board of Education, located at 160 S. Hollywood Street in Memphis.
30. Mr. Woods requested that his mother, who is also his caregiver, be present for the meeting.
31. Mr. Woods' request to have his mother present was denied.
32. During this meeting, Ms. Branch derogatorily called Mr. Woods a "retarded criminal."
33. Ms. Branch terminated Mr. Woods' employment from SCS.
34. Ms. Branch then took Mr. Woods' badge and apron and had the police officers return Mr. Woods to Oakshire Elementary where Mr. Woods was picked up by his mother.
35. Ms. Branch's comment calling Mr. Woods a "retarded criminal" was in reference to a false accusation levied against Mr. Woods in January 2014.
36. Mr. Woods was arrested as a result of the charge, but it was dismissed in May 2015, as the investigation yielded no evidence to support the claim.
37. Mr. Woods' arrest cannot be the basis for his termination.
38. Mr. Woods provided documentation concerning both the falsity and the expunction of the criminal charges levied against him to Mr. Akibulan before Mr. Woods' first day on the job.

39. Thus, SCS knew the criminal allegations existed, had been dismissed, and were false at the time of his hiring, thereby providing no legitimate reason for terminating Mr. Woods' employment on this basis.

40. SCS was aware of the criminal allegations before SCS employed Mr. Woods.

41. Mr. Woods provided documentation concerning Mr. Woods' disability to Mr. Akibulan during his employment training period, which established Mr. Woods' disability.

42. SCS had received notice that Mr. Woods was disabled at the time Mr. Woods was hired.

43. When Ms. Branch called Mr. Woods "retarded" and terminated Mr. Woods' employment from SCS, SCS discriminated against Mr. Woods on the basis of his disability in terminating his employment.

COUNT I - VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

44. Mr. Woods re-alleges and incorporates herein the allegations contained in Paragraphs 1 through 43 as if set forth fully herein.

45. At all relevant times, Defendant has been, and continues to be, a "public entity" within the meaning of the Americans with Disabilities Act, 42 U.S.C. § 12131(1).

46. At all relevant times, Plaintiff has been, and continues to be, a "qualified individual with a disability" within the meaning of the ADA, 42 U.S.C. § 12131(2):

47. The ADA states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by such entity." 42 U.S.C. § 12132.

48. Mr. Woods has a disability, as defined by the Americans with Disabilities Act.

49. Mr. Woods has Downs Syndrome.

50. Downs Syndrome substantially limits Mr. Woods in his major life activities, including but not limited to caring for himself, performing manual tasks, speaking, learning, and working.
51. Mr. Woods has a record of his impairment, which was provided to Defendant in the course of Mr. Woods' hiring.
52. Mr. Woods' disability has physical manifestations that cannot be ignored.
53. Defendant Shelby County Schools is a "public entity" within the meaning of the ADA, and is therefore subject to the requirements of the Americans with Disabilities Act.
54. Defendant is prohibited from discriminating against Mr. Woods based on Mr. Woods' disability.
55. Mr. Woods was qualified for his position, with a reasonable accommodation.
56. Mr. Woods was qualified to work for Shelby County Schools, as Mr. Akibulan hired Mr. Woods after receiving information about Mr. Woods' disability during the hiring phase, and Mr. Woods worked for Shelby County Schools for nine (9) months without incident.
57. Mr. Woods was hired by Defendant as a part-time employee.
58. Mr. Woods suffered an adverse employment action.
59. Mr. Woods suffered an adverse employment action when Ms. Branch called Mr. Woods a "retarded criminal" and terminated his employment in a meeting Ms. Branch initiated after she had police officers pick Mr. Woods up from Oakshire Elementary.
60. SCS discriminated against Mr. Woods on the basis of his disability in terminating Mr. Woods' employment.
61. SCS violated the ADA, specifically 42 U.S.C. § 12132, when it terminated Mr. Woods on the basis of his disability.

62. Other non-disabled employees received more favorable treatment than Mr. Woods.
63. Ms. Branch did not use derogatory terms such as “retarded” to address non-disabled employees in terminating their employment.
64. Defendant discriminated against Mr. Woods by negatively impacting the terms and conditions of his employment on the basis of his disability, in violation of the Americans with Disabilities Act, 42 U.S.C. § 12131(1).
65. As a direct and proximate result of Defendant's discriminatory actions, Plaintiff was injured and suffered damages related to his illegal termination.
66. Defendant's conduct caused Plaintiff to suffer economic damages, in the form of back pay and front pay; compensatory damages in the form of humiliation, embarrassment, degradation, emotional distress, and mental anguish; punitive damages; and attorneys' fees, costs and expenses.

COUNT II - VIOLATION OF THE REHABILITATION ACT

67. Mr. Woods re-alleges and incorporates herein the allegations contained in Paragraphs 1 through 66 as if set forth fully herein.
68. Upon information and belief, at all relevant times, Defendant has been, and continues to be, a “program or activity” receiving federal financial assistance for purposes of the Rehabilitation Act, 29 U.S.C. § 794(b).
69. Upon information and belief, at all relevant times, Plaintiff has been, and continues to be, an “individual with a disability” within the meaning of the Rehabilitation Act, 29 U.S.C. § 705(20).
70. The Rehabilitation Act provides that “no otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from

participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or any program or activity conducted by an executive agency or by the United States Postal Service.” 29 U.S.C. § 794(a).

71. Mr. Woods is disabled within the meaning of the Rehabilitation Act.
72. Mr. Woods has Downs Syndrome.
73. Downs Syndrome substantially limits Mr. Woods in his major life activities, including but not limited to caring for himself, performing manual tasks, speaking, learning, and working.
74. Mr. Woods has a record of his impairment, which was provided to Defendant in the course of Mr. Woods’ hiring.
75. Mr. Woods was qualified for his position, with a reasonable accommodation.
76. Mr. Woods was qualified to work for Shelby County Schools, as Mr. Akibulan hired Mr. Woods after receiving information about Mr. Woods’ disability during the hiring phase, and Mr. Woods worked for Shelby County Schools for nine (9) months without incident.
77. Mr. Woods’ disability has physical manifestations that cannot be ignored.
78. Mr. Woods was hired by Defendant as a part-time employee.
79. Mr. Woods suffered an adverse employment action.
80. Mr. Woods suffered an adverse employment action when Ms. Branch called Mr. Woods a “retarded criminal” and terminated his employment in a meeting Ms. Branch initiated after she had police officers pick Mr. Woods up from Oakshire Elementary.
81. Other non-disabled employees received more favorable treatment than Mr. Woods.

82. Ms. Branch did not use derogatory terms such as “retarded” to address non-disabled employees in terminating their employment.

83. SCS terminated Mr. Woods on the basis of his disability in violation of the Rehabilitation Act, 29 U.S.C. § 794(a).

84. Defendant discriminated against Mr. Woods by negatively impacting the terms and conditions of his employment on the basis of his disability, in violation of the Rehabilitation Act, 29 U.S.C. § 794(b).

85. As a direct and proximate result of Defendant's discriminatory actions, Plaintiff was injured and suffered damages related to his illegal termination.

86. Defendant's conduct caused Plaintiff to suffer economic damages, in the form of back pay and front pay; compensatory damages in the form of humiliation, embarrassment, degradation, emotional distress, and mental anguish; punitive damages; and attorneys' fees, costs and expenses.

PRAYER FOR RELIEF

WHEREFORE, Mr. Woods prays for relief as follows:

1. A declaratory judgment that the practices complained of herein are unlawful under the ADA and RA;
2. An award of appropriate compensatory and punitive damages under the ADA and RA (or either of them), for Defendant's malicious and reckless indifference to Plaintiff and Defendant's intentional violation of Plaintiff's rights; and
3. Award him costs and expenses of this action incurred herein, including reasonable attorneys' fees; and

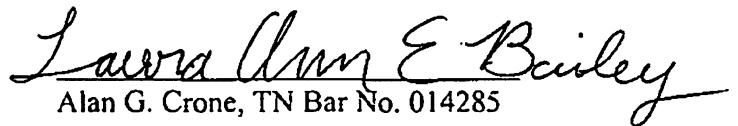
4. Any and all such other and further legal and equitable relief as this Court deems necessary, just and proper.

DEMAND FOR JURY TRIAL

Mr. Woods hereby demands a jury trial on all causes of action and claims with respect to which he has a right to jury trial.

Dated: October 29, 2018

Respectfully submitted,



Alan G. Crone, TN Bar No. 014285
Laura Ann E. Bailey, TN Bar No. 027078
Bailey H. Dorsey, TN Bar No. 033664
Amanda M. Garland, TN Bar No. 33843
THE CRONE LAW FIRM, PLC
88 Union Avenue, 14th Floor
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800.403.7868 (voice)
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Attorneys for Plaintiff

**IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS, TENNESSEE**

**TAVIUS WOODS and TERRY CURRY,
on behalf of, as Power of Attorney and
Next Friend for TAVIUS WOODS,**

Plaintiffs,

vs.

CASE NO. CT-004959-18, Div. III

SHELBY COUNTY SCHOOLS,

Defendant.

DEFENDANT'S NOTICE OF REMOVAL

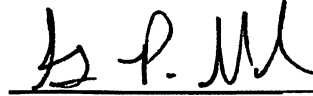
Defendant, Shelby County Schools ("SCS"), hereby notifies the parties and the Court that it has filed a Notice of Removal in the United States District Court for the Western District of Tennessee, Memphis Division, pursuant to 28 U.S.C. §§ 1441 and 1446. A copy of the Notice of Removal is attached as Exhibit 1.

[Signature Page follows]

Respectfully submitted,

FISHER & PHILLIPS LLP

By:



Gabriel P. McGaha (BPR # 027413)
Jeff Weintraub (BPR # 009686)
Martin F. Thompson (BPR # 006331)
1715 Aaron Brenner Dr., Suite 312
Memphis, Tennessee 38120
Telephone: 901-526-0431
Facsimile: 901-526-8183
gmcgaha@fisherphillips.com
jweintraub@fisherphillips.com
mthompson@fisherphillips.com

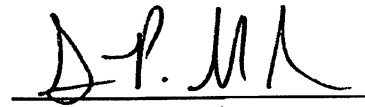
*Attorneys for Defendant
Shelby County Schools*

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have served the foregoing Notice, via electronic mail and U.S. Mail, upon:

Alan Crone
Laura A. Bailey
88 Union Avenue, 14th Floor
Memphis, Tennessee 38103
acrone@cronelawfirmplc.com
lbailey@cronelawfirmplc.com

SO CERTIFIED, this the 30th day of November, 2018.


Gabriel P. McGaha

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Shelby
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Laura A. Bailey (901) 737-7740
Crone Firm, 88 Union Avenue, 14th Floor, Memphis, TN 38103

DEFENDANTS

County of Residence of First Listed Defendant Shelby
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Gabriel P. McGaha (901) 526-0431
1715 Aaron Brenner Drive, Suite 312, Memphis, TN 38120

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 12101 and 29 U.S.C. § 701

Brief description of cause:

Plaintiff alleges he was discriminated against in violation of the above-referenced statutes.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11-30-18

SIGNATURE OF ATTORNEY OF RECORD

G. P. McGaha

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____